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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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JAMES MCCOY,

Plaintiff,

*versus*

DR. FRANK SAUNDERS,

Defendant.

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CIVIL ACTION NO. 1:24-CV-105

**ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff James McCoy, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Dr. Frank Saunders.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. On April 1, 2024, the magistrate judge recommended dismissing the action pursuant to 28 U.S.C. § 1915(g), unless Plaintiff paid the \$405.00 filing fee within fourteen days. To date, the parties have not filed objections to the report. Plaintiff has not paid the filing fee.

The court received and considered the Report and Recommendation of United States Magistrate Judge pursuant to such referral, along with the record, pleadings and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the Report and Recommendation of United States Magistrate Judge (#3) is

**ADOPTED.** A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 21st day of June, 2024.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE